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**OU#3 EPA ISA DISPUTE  
U.S. DOE - FERNALD  
OH6 890 008 976**

**02-12-91**

**USEPA/DOE-FSO  
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LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
230 SOUTH DEARBORN ST.  
CHICAGO, ILLINOIS 60604

2395

**FEB 12 1991**

REPLY TO ATTENTION OF:

Mr. Gerald Westerbeck  
United States Department of Energy  
Feed Materials Production Center  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705

5HR-13

RE: OU#3 EPA ISA Dispute  
U.S. DOE - Fernald  
OH6 890 008 976

Dear Mr. Westerbeck:

✓ On December 21, 1990, the United States Environmental Protection Agency (U.S. EPA) disapproved a revised proposed Initial Screening of Alternatives (ISA) report for Operable Unit (OU) #3. Since this was the second disapproval, U.S. EPA invoked dispute resolution in accordance with Section XII of the 1990 Consent Agreement to prevent this draft primary document from being considered final.

The dispute was not settled in the 30-day informal dispute resolution period and the dispute was raised to the Dispute Resolution Committee with a January 22, 1991, letter. In this letter, U.S. EPA proposed a meeting of the Dispute Resolution Committee on January 30, 1991. U.S. DOE provided verbal notice that it was not prepared to meet on January 30, 1991 and an alternate meeting date was not proposed. U.S. EPA and U.S. DOE have exchanged several draft letters in an attempt to unanimously resolve this dispute, but have been unable to do so.

Since the twenty-one day period for resolution of the dispute by the Dispute Resolution Committee has ended without mutual agreement regarding the adequacy of the ISA report, U.S. EPA is raising the dispute to the Senior Executive Committee for resolution.

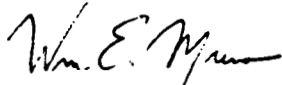
A copy of this letter is being provided to the Senior Executive Committee, as required by Section XIV.E of the 1990 Consent Agreement. This dispute involves the inadequacy of the revised draft ISA Report for OU#3. U.S. EPA's position on the deficiencies of this document was outlined in detail in U.S. EPA's December 21, 1990, disapproval and Notice of Violation letters.

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Please contact me at (312/FTS) 353-4783, if you have any questions.

Sincerely,



William E. Munro  
Associate Division Director  
Office of RCRA, Waste Management Division

cc: Valdas V. Adamkus, U.S. EPA, Regional Administrator  
Joe LaGrone, U.S. DOE, Manager Oak Ridge Operations  
Gerry Ionnianides, OEPA, Director  
Graham Mitchell, OEPA-SWDO  
Leo Duffy, U.S. DOE - HDQ